IN THE HIGH COURT OF UTTARANCHAL, AT NAINITAL

Criminal Revision No. 878/2001
(Old No. 718 of 1995)

Smt. Manjt Kaur ……Revisionist

Vs.

State of U.P. and other …….Respondents

Hon'ble Irshad Hussain, J.

None appear for the revisionist. Heard Sri A. Rab learned G.A. for the State and perused the record.

The revision under Section 397/401 of the Code of Criminal Procedure (for short 'Code') was preferred against the judgment and order dated 17.5.1995 passed by the then Pargana Magistrate, Rudrapur in criminal case no. 11/5 of 1994. The proceedings under section 145 of the 'Code' were cancelled/dropped in vie of the parallel proceedings in regard to the property in dispute pending between the parties before a court of competent of civil jurisdiction and suitable orders could have been obtained from it in regard to the possession of any of the two parties to the suit. Having done so the learned Magistrate could not have passed any order for a direction to deliver possession of the property to one of the party to the proceedings and therefore the application submitted to this effect was rightly rejected by the impugned order dated 17.5.1995.

In view of the revision is devoid of merit and can not legally be admitted. The revision is dismissed. Consign.

(Irshad Hussain, J.)

Dated 06.04.2004

ISB